



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

1595 Wynkoop Street
Denver, CO 80202-1129
Phone: 800-227-8917
www.epa.gov/region08

SEP 22 2017

Ref: 8ENF-W-NP

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Dan Hogan
Foxridge Development Corporation
225 Buckingham Drive
Providence, Utah 84332

Re: Request for Information Pursuant to Section 308 of the Clean Water Act, 33 U.S.C. § 1318

Dear Mr. Hogan:

The U.S. Environmental Protection Agency is investigating the compliance of Foxridge Development Corporation (Company) with the requirements of the Clean Water Act. This pertains to the Saddle Rock Subdivision located in River Heights, Utah. As part of the EPA's investigation, the EPA requests that the Company provide the information requested with this letter. The EPA has the authority to request this information under section 308 of the Clean Water Act, 33 U.S.C. § 1318, in order to carry out its responsibilities for protecting our nation's water from pollution.

Please send the requested information no later than **thirty (30) days** of your receipt of this letter to the following:

U.S. EPA Region 8 (8ENF-W-NP)
NPDES Enforcement Unit
1595 Wynkoop Street
Denver, CO 80202-1129
Attn: Laurel Dygowski

In accordance with the instructions in Enclosure 1, please provide the information requested in Enclosure 2. The Company's response to this request **must be accompanied by a signed and dated statement of certification**. It must be signed by an individual who is authorized by the Company to respond to this request. The statement of certification must state that the response is complete and contains all information and documentation available to the Company that is responsive to this request. A sample statement of certification is Enclosure 3.

The Company may claim that the EPA should treat any of the requested information as confidential business information (CBI). To make such a claim, the Company will need to follow the procedures in 40 C.F.R. part 2, subpart B (as promulgated at 41 Fed. Reg. 36902 on Sept. 1, 1976, 43 Fed. Reg. 39997 on Sept. 8, 1978, and 50 Fed. Reg. 51654 on Dec. 18, 1985). If the Company makes a confidentiality

claim, the EPA will disclose the information covered by the Company's claim only as allowed by that subpart. Please note that making a confidentiality claim does not guarantee that the EPA will agree that the information is entitled to confidential treatment. If the Company does not make such a claim when it submits the information to the EPA, the EPA may make the information available to the public without notifying the Company. The Company is **required to provide the requested information** even if it claims it is confidential.


If the Company is a small business, it may find useful the enclosed Small Business Regulatory Enforcement and Fairness Act (SBREFA) information sheet in Enclosure 4. This information sheet contains information on compliance assistance resources and tools available to small businesses. By including this information sheet, the EPA has not necessarily determined that the Company is a small business. SBREFA does not eliminate the Company's responsibility to respond to this information request.

It is very important that the Company respond to this request for information, and its attention to this matter is greatly appreciated. Please note that the failure to provide required information may potentially result in civil penalties of up to \$51,570 per day of violation, and that even harsher criminal consequences are possible in the case of deliberate false statements. 33 U.S.C. § 1319; see also 18 U.S.C. § 1001.

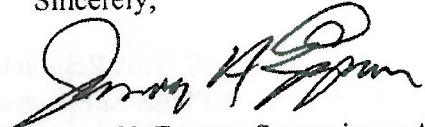
This Request for Information is exempt from the approval requirements of the Paperwork Reduction Act, 44 U.S.C. § 3501 et seq.

For any questions concerning this information request, the Company should contact Laurel Dygowski at (303) 312-6144 or dygowski.laurel@epa.gov. If the Company is represented by an attorney who has questions, the attorney should contact Laurianne Jackson, EPA Enforcement Attorney, at (303) 312-6950 or jackson.laurianne@epa.gov.

Thank you for your cooperation.


Stephanie DeJong, Unit Chief
Water Technical Enforcement Unit
Office of Enforcement, Compliance,
and Environmental Justice

Sincerely,


James H. Eppers, Supervisory Attorney
Legal Enforcement Program
Office of Enforcement, Compliance,
and Environmental Justice

Enclosures:

- (1) Instructions
- (2) Information Request
- (3) Statement of Certification
- (4) SBREFA information sheet

cc: Harry Campbell, Environmental Engineer, Enforcement and Stormwater Section

ENCLOSURE 1:

INSTRUCTIONS

1. Please answer each numbered item and lettered sub-item in Enclosure 2 separately, and number your response to correspond with each item and sub-item.
2. Please provide all information in your possession that is responsive to each item and sub-item in Enclosure 2. If you cannot provide any piece of information, please explain why. If any numbered item or sub-item is not applicable, please indicate N/A.
3. If you do not know or have available in your possession any of the requested information but learn about such information, you must supplement your response to the EPA. If, after submitting your response, you learn that any portion of your response is incomplete or false, or that it misrepresents the truth, you must notify the EPA as soon as possible of the exact manner in which the information is incomplete, false, or misleading.
4. If any information or document is responsive to this request and is not within your possession, custody or control, please identify each person from whom such information or documents may be obtained and where such information or documents are located.
5. If you have reason to believe that any other person may be able to provide additional details or documents, please provide the name, address, and if you know it, the telephone number of each person. Additionally, include a description of the additional information or documents each person may possess.
6. For purposes of this request, the following definitions apply:

"BMPs" means best management practices, including but not limited to erosion and sediment controls, stabilization, pollution prevention practices, and other practices to control the discharge of pollutants.

"Construction General Permit" means Utah Discharge Permit System Permit No. UTRC00000, entitled General Permit for Discharges from Construction Activities, issued July 1, 2014.

"Site" means the Saddle Rock Subdivision Phases II and III construction site located at 900 East 600 South, River Heights, Utah. The Site includes all lot numbers 24 through 55, as provided in the final plat for the Site.

"Person" includes any individual, corporation, partnership, association, state, municipality, commission, or political subdivision of a state or interstate body.

"Phase II" means lot numbers 24, 25, 27 through 50 and 52, 53, 54 and 55 at the Site.

"Phase III" means lots 26 and 51 at the Site.

"SWPPP" means the storm water pollution prevention plan required by the Construction General Permit.

"You" and the "Company" means Foxridge Development Corporation and any of its officers, directors, employees, or agents.

ENCLOSURE 2:

INFORMATION REQUEST

1. Please provide the following information for the entirety of the Site:
 - a. Describe all arrangements between you and any other person regarding environmental permitting, environmental controls, inspections, and documentation of inspections at the Site.
 - b. Identify, by name, title, and current business address, each responsible individual, including each superintendent and construction foreman, for all construction related activities you have engaged in at the Site from the time of your first involvement at the Site until today.
 - c. Describe any structural BMPs (e.g., straw bale dikes, silt fences, check dams, drain inlet protection, sediment traps, drainage diversions) that were installed or implemented at the Site for controlling stormwater discharges. Indicate when, where, and by whom each such structural control was installed and removed.
 - d. Provide a copy of the storm water pollution prevention plan (SWPPP) and site map showing the location of all BMPs, including all revisions.
2. Please provide the following information for each lot in Phase II and Phase III at the Site:
 - a. Provide the date when construction activity began and state whether construction is still occurring and, if not, when it ended.
 - b. Provide a copy of each of the following:
 - i. All reports for stormwater-related self-inspections you have conducted. If any such self-inspections were conducted by any other entity, indicate the type of agreement you had with the other entity to conduct these inspections. If that agreement was written, provide a copy.
 - ii. Documentation of all corrective actions and maintenance measures identified in the self-inspection reports, including the dates corrective actions or maintenance measures were taken, including requisite changes to the SWPPP. This includes, but is not limited to, corrective actions to address discharges of sediment or other pollutants from the Site; BMPs that needed to be maintained; BMPs that failed to operate as designed or proved inadequate for a particular location; and additional BMPs that were needed but not in place at the time of each inspection.
 - iii. A narrative description and documentation of any stabilization measures implemented at each lot after the end of construction activities, including the date(s) of implementation. In the alternative, at lots where you have not completed construction and work has ceased temporarily (at least fourteen days) or has ceased permanently, provide a description and date of temporary stabilization you implemented identified by lot number.

- iv. Each notice of termination you submitted to UDEQ for the Site under permit UTR370179.
- v. Provide a copy of the property deed of ownership for each of the lots in Phase II and Phase III evidencing your current ownership and/or the transfer of ownership to another person, including the date of transfer or sale and the corresponding lot number on the final plat for Phase II and Phase III.

ENCLOSURE 3:

STATEMENT OF CERTIFICATION

Foxridge Development Corporation

Response to Request for Information Pursuant to Section 308 of the Clean Water Act

I certify under penalty of law that this response and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine or imprisonment for knowing violations.

Signature

Printed Name and Title

Date

U.S. EPA Small Business Resources Information Sheet

The United States Environmental Protection Agency provides an array of resources to help small businesses understand and comply with federal and state environmental laws. In addition to helping small businesses understand their environmental obligations and improve compliance, these resources will also help such businesses find cost-effective ways to comply through pollution prevention techniques and innovative technologies.

Office of Small and Disadvantaged Business Utilization (OSDBU)

www.epa.gov/aboutepa/about-office-small-and-disadvantaged-business-utilization-osdbu

EPA's OSDBU advocates and advances business, regulatory, and environmental compliance concerns of small and socio-economically disadvantaged businesses.

EPA's Asbestos Small Business Ombudsman (ASBO)

www.epa.gov/resources-small-businesses/asbestos-small-business-ombudsman or 1-800-368-5888

The EPA ASBO serves as a conduit for small businesses to access EPA and facilitates communications between the small business community and the Agency.

Small Business Environmental Assistance Program

<https://nationalsbeap.org>

This program provides a "one-stop shop" for small businesses and assistance providers seeking information on a wide range of environmental topics and state-specific environmental compliance assistance resources.

EPA's Compliance Assistance Homepage

www.epa.gov/compliance

This page is a gateway to industry and statute-specific environmental resources, from extensive web-based information to hotlines and compliance assistance specialists.

Compliance Assistance Centers

www.complianceassistance.net

EPA sponsored Compliance Assistance Centers provide information targeted to industries with many small businesses. They were developed in partnership with industry, universities and other federal and state agencies.

Agriculture

www.epa.gov/agriculture

Automotive Recycling

www.ecarcenter.org

Automotive Service and Repair

www.ccar-greenlink.org or 1-888-GRN-LINK

Chemical Manufacturing

www.chemalliance.org

Construction

www.cicacenter.org

Education

www.campuserc.org

Food Processing

www.fpeac.org

Healthcare

www.hercenter.org

Local Government

www.lgean.org

Surface Finishing

<http://www.sterc.org>

Paints and Coatings

www.paintcenter.org

Printing

www.pneac.org

Ports

www.portcompliance.org

Transportation

www.fercenter.org

U.S. Border Compliance and Import/Export Issues

www.bordercenter.org

EPA Hotlines and Clearinghouses

www.epa.gov/home/epa-hotlines

EPA sponsors many free hotlines and clearinghouses that provide convenient assistance regarding environmental requirements. Examples include:

Clean Air Technology Center (CATC) Info-line

www.epa.gov/catc or 1-919-541-0800

Superfund, TRI, EPCRA, RMP, and Oil Information Center

1-800-424-9346

EPA Imported Vehicles and Engines Public Helpline

www.epa.gov/otaq/imports or 1-734-214-4100

National Pesticide Information Center

www.npic.orst.edu or 1-800-858-7378

National Response Center Hotline to report oil and hazardous substance spills - <http://nrc.uscg.mil> or 1-800-424-8802

Pollution Prevention Information Clearinghouse (PPIC) -

www.epa.gov/p2/pollution-prevention-resources/ppic or 1-202-566-0799

Safe Drinking Water Hotline -

www.epa.gov/ground-water-and-drinking-water/safe-drinking-water-hotline or 1-800-426-4791

Toxic Substances Control Act (TSCA) Hotline

tsc hotline@epa.gov or 1-202-554-1404

Small Entity Compliance Guides

<https://www.epa.gov/reg-flex/small-entiv-compliance-guides>

EPA publishes a Small Entity Compliance Guide (SECG) for every rule for which the Agency has prepared a final regulatory flexibility analysis, in accordance with Section 604 of the Regulatory Flexibility Act (RFA).

Regional Small Business Liaisons

www.epa.gov/resources-small-businesses/epa-regional-office-small-business-liaisons

The U.S. Environmental Protection Agency (EPA) Regional Small Business Liaison (RSBL) is the primary regional contact and often the expert on small business assistance, advocacy, and outreach. The RSBL is the regional voice for the EPA Asbestos and Small Business Ombudsman (ASBO).

State Resource Locators

www.envcap.org/statetools

The Locators provide state-specific contacts, regulations and resources covering the major environmental laws.

State Small Business Environmental Assistance Programs (SBEAPs)

<https://nationalsbeap.org/states/list>

State SBEAPs help small businesses and assistance providers understand environmental requirements and sustainable business practices through workshops, trainings and site visits.

EPA's Tribal Portal

www.epa.gov/tribalportal

The Portal helps users locate tribal-related information within EPA and other federal agencies.

EPA Compliance Incentives

EPA provides incentives for environmental compliance. By participating in compliance assistance programs or voluntarily disclosing and promptly correcting violations before an enforcement action has been initiated, businesses may be eligible for penalty waivers or reductions. EPA has two such policies that may apply to small businesses:

EPA's Small Business Compliance Policy

www.epa.gov/enforcement/small-businesses-and-enforcement

EPA's Audit Policy

www.epa.gov/compliance/epas-audit-policy

Commenting on Federal Enforcement Actions and Compliance Activities

The Small Business Regulatory Enforcement Fairness Act (SBREFA) established a SBREFA Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. If you believe that you fall within the Small Business Administration's definition of a small business (based on your North American Industry Classification System designation, number of employees or annual receipts, as defined at 13 C.F.R. 121.201; in most cases, this means a business with 500 or fewer employees), and wish to comment on federal enforcement and compliance activities, call the SBREFA Ombudsman's toll-free number at 1-888-REG-FAIR (1-888-734-3247).

Every small business that is the subject of an enforcement or compliance action is entitled to comment on the Agency's actions without fear of retaliation. EPA employees are prohibited from using enforcement or any other means of retaliation against any member of the regulated community in response to comments made under SBREFA.

Your Duty to Comply

If you receive compliance assistance or submit a comment to the SBREFA Ombudsman or Regional Fairness Boards, you still have the duty to comply with the law, including providing timely responses to EPA information requests, administrative or civil complaints, other enforcement actions or communications. The assistance information and comment processes do not give you any new rights or defenses in any enforcement action. These processes also do not affect EPA's obligation to protect public health or the environment under any of the environmental statutes it enforces, including the right to take emergency remedial or emergency response actions when appropriate. Those decisions will be based on the facts in each situation. The SBREFA Ombudsman and Fairness Boards do not participate in resolving EPA's enforcement actions. Also, remember that to preserve your rights, you need to comply with all rules governing the enforcement process.

EPA is disseminating this information to you without making a determination that your business or organization is a small business as defined by Section 222 of the Small Business Regulatory Enforcement Fairness Act or related provisions.